

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
 Plaintiff
 v.
 Harrison Johnson,
 Defendant

Case No.: 2:12-cr-00336-JAD-CWH

**Order Granting Unopposed Motion to
 Spread Mandate and Amend Judgment**

[ECF No. 110]

Harrison Johnson pled guilty to, and was convicted of, attempted interference with commerce by robbery under the Hobbs Act, 18 U.S.C. § 1951. Johnson received a 29-month sentence for that crime, plus 7 years for violating 18 U.S.C. § 924(c)(1)(A)(ii), which imposes a mandatory minimum 7-year sentence for brandishing a firearm during a “crime of violence.” Here, that crime of violence was Johnson’s attempted-robbery conviction.

Johnson moved to vacate his § 924(c) conviction under 28 U.S.C. § 2255, and I denied that relief.¹ But when the United States Supreme Court later held in *United States v. Taylor* that attempted Hobbs Act robbery is not a crime of violence,² the Ninth Circuit vacated that denial and remanded this case.³ By then, Harrison had already served his custodial sentence and was on supervised release. But, as his counsel points out in an unopposed motion to spread the mandate and amend the judgment, the continued presence of that § 924(c) conviction on Harrison’s record may impact a sentence he might receive for violations of his supervised-release terms.⁴ So Harrison moves the court to spread the mandate and amend his judgment to

¹ ECF No. 46.

² *United States v. Taylor*, 142 S. Ct. 2015, 2021 (2022).

³ ECF No. 86.

⁴ ECF No. 110.

1 reflect the Ninth Circuit's ruling.⁵ The government does not oppose Harrison's request for this
2 relief.⁶

3 With good cause appearing, IT IS THEREFORE ORDERED that the unopposed motion
4 to spread the mandate and amend the judgment [ECF No. 110] is **GRANTED**.

5 IT IS FURTHER ORDERED that **the August 22, 2022, mandate [ECF No. 87] is**
6 **SPREAD on the records of this court, and the Clerk of Court is directed to AMEND THE**
7 **JUDGMENT** to reflect that this court's July 19, 2018, order denying Harrison's 28 U.S.C.
8 § 2255 motion [ECF No. 46] is **VACATED, and Harrison's conviction and sentence on**
9 **count 2, brandishing a firearm during a crime of violence in violation of 18 U.S.C.**
10 **§ 924(c)(1)(A), is VACATED and SET ASIDE.**

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13 U.S. District Judge Jennifer A. Dorsey
14 March 29, 2023
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27 ⁵ See generally *id.*

28 ⁶ *Id.* at 3.